

HEARTLAND PRO BONO COUNCIL

District 8 Planning Committee

Report to the Indiana Pro Bono Commission 2000

**Submitted by
Judge David J. Dreyer
Marion Superior Court
Indianapolis, IN**

Presiding Judge of the Committee

DISTRICT 8

2000 ANNUAL PRO BONO REPORT AND PLAN

This Annual Pro Bono Report and Plan is made pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct. The goals of this plan are as follows:

- (1) To enable Indiana attorneys to discharge their professional responsibilities to provide pro bono services;
- (2) To improve the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations throughout the state of Indiana;
- (3) To ensure statewide access to high quality and timely pro bono civil legal services for persons of limited means by (i) fostering the development of new pro bono programs where needed and (ii) supporting and improving the quality of existing pro bono programs;
- (4) To foster the growth of a public service culture within the Indiana Bar which values pro bono publico service;
- (5) To promote the ongoing development of financial and other resources for pro bono organizations in Indiana;

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A. Abstract-

Please summarize the current status of your Committee's planning process. Your summary should include the District Committee's mission statement, a history of the organization, a description of the current legal services delivery system, as well as identification, categorization and prioritization of the legal problems experienced by indigent individuals within the counties of your District. Please include additional information you deem to be relevant to a complete description of the current status of your Committee.

1. Rule 6.5 is the mission. The Heartland Pro Bono Council ("HPBC") does not have a "mission statement", nor does it intend to draft one. We believe that we are a voluntary planning committee created and bound by Rule 6.5. Accordingly, our mission is clearly prescribed, and no further statement is necessary beyond the language of the Rule and the comprehensive plan.

2. History of the organization. Before Rule 6.5 was formally promulgated, six providers serving Marion County and District 8 began meeting to discuss common goals and objectives. They secured a \$2,500 grant to develop a pamphlet and named themselves the "Heartland Pro Bono Council." The presiding judge was appointed in Summer, 1998, formal appointments were made (see Appendix A), and the first meeting was held in October, 1998. The Indianapolis Bar Association Task Force on Pro Bono ("IBA Task Force") began meeting around the same time, and included many HPBC members.

HPBC formally adopted its name, and began an inventory of current delivery systems and general resources. Eventually, a Planning Worksheet was developed (See Appendix B) to follow the outline of Rule 6.5 (H) and compose a comprehensive plan.

In January and March of 1999, two 1/2-day planning retreats were conducted according to the Worksheet (See Minutes at Appendix C). Meanwhile, the IBA Task Force continued to meet, including a day-long consultation with the ABA Center for Pro Bono.

During the Spring and Summer of 1999, the HPBC worked to develop subplans from Marion County and surrounding counties (See Appendix D). The Draft Outline for the Comprehensive Plan for District 8 was completed and tentatively adopted in June, 1999 (See Appendix E). Also during this period, HPBC consulted with Kent Spuhler from Florida Legal Assistance regarding his work to pioneer comprehensive plans in Florida, from which Rule 6.5 was drafted. In addition, meetings were begun in July, 1999, to plan a district-wide 800 number with a local United Way agency, Information and Referral Network (See Appendix F). Significantly, the IBA Task Force completed its work and issued its landmark Report and Recommendations (See Appendix G) promoting the creation of the first Standing Committee on Pro Bono in the history of the Indianapolis Bar Association.

In the Fall of 1999, the IBA Standing Committee was appointed, including several HPBC members. The HPBC continued to complete county subplans through direct contact in the field with county bar associations, judges, and attorneys. It added a technical advisor from the School of Public and Environmental Affairs at IUPUI.

At this time, the work and planning of the IBA Standing Committee is completed, but the Committee needs some additional county subplans as the full plan is implemented in 2000 and beyond.

3. Current legal services delivery systems and priorities. The delivery of pro bono legal services has been provided as follows:

- a) traditional staff attorney model programs listed in footnote 1 and section C. below;
- b) private bar volunteers recruited by traditional providers;
- c) private bar volunteers recruited by formal bar association programs, most notably in Hancock County, and a past grant to IBA from LSO for fulltime referral; and
- d) private bar volunteers recruited by bar associations informally.

The priorities of legal problems has always been adopted by the traditional providers through internal research data or mandatory rule.

B. DATA

1. In the following space, please list the following information about the Committee members: name, organization affiliation (if any), address, phone, fax and E-mail address. Please include what category listed in rule 6.5 (f) (1) this person is representing. Please indicate if members represent more than one organization or category.

Please see attached list. Nominations from Indianapolis Bar Association are forthcoming, as well as other judicial and community participants.

2. Governance

Briefly describe the organizational structure of your District, including replacement and succession of members, and terms of service.

Please see attached By-Laws.

3. History/Background

Please list all counties, bar associations, currently funded provider organizations in the District, and any pro bono organizing activity or efforts at coordination that existed prior to the formation of the Rule 6.5 Committee.

Boone -	Boone County Bar Association - informal referral
Johnson -	Johnson County Bar Association - informal referral
Hamilton-	Hamilton County Bar Association - informal referral and LSO referral
Hancock-	Hancock County Bar Association - formal program referral
Hendricks-	Hendricks County Bar Association - no known referral
Marion-	Indianapolis Bar Association - informal referral, past formal program referral with LSO grant
	Marion County Bar Association - formal program referral and LSO referral
Morgan-	Morgan County Bar Association - informal referral
Shelby-	Shelby County Bar Association - no known referral, some LSO referral

Legal Services Organization of Indiana, Inc.

Legal Aid Society of Indianapolis

Mapleton-Fall Creek Legal Assistance

Community Organization Legal Assistance Program

Child Advocates, Inc.

Indiana Advocates for Children

4. Plan Administrator

Rule 6.5(g)(2) requires each Committee to select and employ a plan administrator to provide the necessary coordination and administrative support for the District Pro Bono Committee. Please indicate the name of the person, the duties of the plan administrator, if that position is funded and if so, the source of those funds.

Name: TBA

Duties: Ensure tasks outlined in attached Task List for both the Committee and the bar associations, and update of comprehensive plan

Funding: a) IOLTA
 b) Indianapolis Bar Foundation
 c) future applications to Indianapolis Foundation (Community Foundation of Indianapolis, Inc.), United Way of Central Indiana, Lilly Endowment, Legal Services Corporation, and private bar.

5. Monitoring Role - Briefly describe how the District Committee will evaluate and record the progress and success of the District Plan.

(a) Quality of services provided:

- Client satisfaction surveys as provided in Rule 6.5 (H)
- Training partnerships with ICLEF, Indpls Bar, Indiana State Bar

(b) Quantity:

(i) number of attorneys participating

Referral data from providers, bar associations, and 800 number referral

(ii) number of clients served

- Same as above
- Reporting form from participating attorneys

(iii) number of hours

- Reporting form from participating attorneys

(c) How will you record and evaluate costs associated with achieving goals

- same as above, as well as data from request for out-of-pocket reimbursement

(d) How will you collect and record client stories

Bar association recognition efforts, with client consent and waiver, and reporting form from participating attorneys

C. 2000 Annual Report: Existing Services, Programs, and Funding Sources

Please provide a detailed description of existing service providers, programs and funding sources currently in existence within your District on a county by county basis. Please utilize the worksheet on the following page for each entity.

D. 2000 Annual Plan:

Problem Statements\ Recommendations - For each problem, use one complete worksheet with as many recommendations for solving that problem as necessary. Please number your problems according to priority.

1. Problem Identification- Problem statements identify all of the barriers faced by indigent individuals in their effort to resolve problems through the legal system.
2. Supportive Data- Supportive Data (statistics, survey results, records, reports, etc.) should be organized to show how the barriers are preventing people from accessing justice.
3. Recommended Actions to address barriers and problems - These recommendations are identified with one of the categories of opportunities for attorneys found in Rule 6.5 (i).
4. Recommended Actions to support the participating attorneys. - These elements are identified in Rule 6.5(h).
5. Coordination - Please describe how the recommendations and services are coordinated among the service providers and the committee members.
6. Expected Results - The expected result is a statement describing the expected benefit to be derived from the expenditure of human and financial resources.
7. Benchmarks - These are the measurable goals for evaluating progress of proposed recommended actions.
8. Costs associated with benchmarks - This is the proposed budget necessary for achieving the expected results.

Please check the activities which your District will take to support the pro bono efforts of the attorneys in your District. For each checked activity, please provide a detailed description of the District's plan for implementation of this activity.

Please see the comprehensive plan materials in the Appendices in this report.

☒ Providing intake, screening, and referral of prospective clients:

☒ Matching cases with individual attorney expertise, including the establishment of specialized panels:

☒ Providing resources for litigation and out-of-pocket expenses:

☒ Providing legal education and training for pro bono attorneys in specialized areas of law useful in providing pro bono civil legal service:

☒ Providing the availability of consultation with attorneys who have expertise in areas of law in which a volunteer lawyer is providing pro bono civil legal service:

☒ Providing malpractice insurance for volunteer pro bono lawyers:

☒ Establishing procedures to ensure adequate monitoring and follow-up, and to measure client satisfaction:

☒ Recognizing pro bono civil legal service by lawyers:

☒ Other support and assistance to pro bono lawyers

Please describe the way the recommended activities and the supportive activities will be coordinated and what role the District Committee will have in that coordination.

Please see attached list of tasks. The Committee will review progress on each item with the Plan Administrator on a regular basis. The Committee shall take a direct role with the bar associations in the recruitment and recognition tasks.

Further planning is subject to the ongoing planning committees of the IBA Standing Committee and further county subplans

Please describe the expected results and the measures which you will utilize to determine the value to the indigent of the proposed activity.

- Client satisfaction survey as required by Rule 6.5 (H)
- Data from providers, bar associations, and number of phone applications from each service area

Please provide your timeline for implementing and evaluating the recommended activities.

- | | |
|----------------|---|
| - Summer 2000 | Develop plans of implementation with counties |
| - Fall 2000: | Hire staff persons as required by Rule 6.5 Market
Recruit volunteers
Recognize past volunteer service |
| - January 2000 | 800 number operational and first referrals |
| - June 2001: | First evaluation and update of comprehensive plan |

Please provide a proposed budget for implementing the recommended activities. Please utilize the budget form on the following page.

Please see the attached tentative budget. The budget is tentative and includes some first year start-up expenses. Some costs are still unknown

Heartland Pro Bono Council

Tentative Budget 2000

Expenses

A. Personnel

Plan administrators	
IBA administrator	\$30,000
Heartland administrator	30,000
Fringe (20% of salary)	12,000

Law School Pro Bono	
Coordinator	10,000

B. Capital Needs

800 phone startup, space rental, and admin costs	5,000
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Library	
Space	150
Computer /software/network	5,000

Space at law school	2,400
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Space at IBA	2,400
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C. Other

Litigation cost reimbursement	5,000
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Training (2/yr)	5,000
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Malpractice insurance	5,000
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Marketing	2,500
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Volunteer Recognition	2,500
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\$116,950

Revenue

IOLTA **\$94,500**

Indianapolis Foundation 2,500

Indianapolis Bar Foundation 10,000

In-kind space and computer research
From Marion County Law Library 5,150

In-kind space from Law School 2,400

In-kind space from IBA 2,400

\$116,950

Heartland Pro Bono Council

The Planning Committee
for Administrative District 8
Supreme Court of Indiana

Comprehensive Plan

July 1, 2000

The Honorable David J. Dreyer
Marion Superior Court
Indianapolis, IN
Chair

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I. INTRODUCTION

History of pro bono legal service

The formal legal profession in the United States is barely over 100 years old. As waves of immigrants arrived in the late 19th century's industry boom, the practice of law was transformed from a rural apprenticeship to a standard of prescribed training and standards. The needs of the emerging American public required a response from those who worked in the legal system - the lawyers. Consequently, bar associations were formed, law schools were launched, and legal training was institutionalized. Amidst these many steps to establish the practice of law as a lasting profession in the United States, the underlying value of pro bono service was also formalized. A divided America served no one's interests, and lawyers were careful that the legal system not be a partial system, but open to all.

In 1924, a young Harvard lawyer named Reginald Heber Smith wrote a landmark treatise entitled "Law and the Poor." It was the first comprehensive study of the unmet legal needs of the American public, and it identified poverty as the primary cause. It laid the groundwork for the moral principle of pro bono work, and lawyers have been heeding its call ever since.

Between the 1920's and the 1960's, a status quo was maintained to provide pro bono representation on an ad hoc system of Legal Aid societies and other efforts. The ethical duty for every lawyer to provide pro bono service became codified in rules of professional conduct and other statutes. Legal Aid societies became larger and more stable. But the needs were continually exceeding the resources, it seemed. By the 1960's, the cycle of poverty had remained throughout our land, and with it, economic disadvantage, disparity in education, and racial strife. The representation of poor and low income people was suddenly transformed from an honorary code of conduct to a full-funded government program in the form of the Legal Services Corporation, a non-profit corporation, with Presidential board appointees, to grant monies to eligible local organizations. In Indianapolis, the Legal Services Organization of Indiana, or LSO, was born and continues its work to this day, along with three other programs in Indiana. Since that time, the "Legal Services" model, that is, full-time trained lawyers for the poor, funded by the federal government, has been the predominant model, and has been supported by the American Bar Association, and others. Legal Aid societies have continued their work and have continued to complement Legal Services offices everywhere to meet an overwhelming need.

But sadly, legal needs of the poor and low income families have never been fully met, and these organized efforts have never had the resources to adequately address the problem.

In the 1980's and 1990's, lawyers have stepped forward and reaffirmed the responsibility to ensure equal access to justice through pro bono service. The private bar continues to assist Legal Aid and LSO in central Indiana, and to develop new efforts, like the Community Organizations Legal Assistance Project (COLAP), the Mapleton Fall Creek Legal Clinic, Child Advocates, Inc., Indiana Advocates for Children, and others, all of which make a significant difference on a daily basis.

Rule 6.5 in Indiana

In February 1998, the Indiana Supreme Court announced that Rule 6.5 was now part of the Indiana Rules of Professional Conduct, the code that regulates professional standards for Indiana Attorneys. The Rule requires that each of Indiana's 14 administrative districts shall form a permanent planning committee to:

- develop a written comprehensive plan to address the unmet legal needs of person of limited means, including the development of new programs
- employ a plan administrator to implement it
- update it every year
- recruit and recognize attorneys who perform pro bono service as part of the plan
- create a "culture" of pro bono service within the legal profession

As we look upon the next 100 years, we see that the challenge of providing equal access to justice has come full circle. The moral and professional obligation of each lawyer, as a steward of our great legal system, is unchanged. The non-profit providers have performed laudable service. The partnership of private bar and non-profit providers is now the only way to make our system of justice available to all who need it, regardless of their financial condition.

II. STATEMENT OF NEED

The need is clear. In February of 1992, United Way of Central Indiana and Community Service Council commissioned documented the need when they commissioned a study. It published its findings in a seminal document entitled "Legal Needs Study of the Poor in Indiana."

The Study found 538,000 cases of legitimate legal problems of persons below the poverty line in Indiana. Yet only 10% of those problems were addressed by the legal system.

In central Indiana, Legal Aid and LSO found approximately 30,000 legal problems among eligible clients in 1997-98. Yet, they only had the resources to help about 10,000.

The census and state demographic information show that 28% of Indiana's total poverty population lives in Marion County, and the 7 contiguous counties.

III. EXECUTIVE SUMMARY

IV. GOALS AND OBJECTIVE

GOAL 1: To provide intake, screening, and referral of prospective clients

Objective 1: A single toll-free (800) number shall be developed, publicized, and regularly maintained to :

- receive inquiries and requests for pro bono legal service from persons residing in the district, or having cases in courts in the district; and
- provide info and make referrals, if necessary, to appropriate bar associations, other pro bono providers, or other contacts, within the district

- a) The toll free 800 number shall be developed and maintained in partnership with existing pro bono legal service phone referral organizations and set up with the Information and Referral Network (one number, many sources to respond, including other existing 800 numbers and staff)
- b) The toll free 800 number shall be staffed with volunteer attorneys and law students.

Objective 2: Each bar association should maintain, or take substantive steps to ensure, a regular, dependable, and independent method of intake, screening, and referral, for all requests for pro bono legal service

- a) SEE COUNTY SUBPLANS IN APPENDIX
- b) Eligibility criteria- county must specify or defer to general standard of 125% of federal poverty g'lines
- c) 800 number is either primary referral or supplements county system - county must specify

Objective 3: Each client shall be matched with attorney from specialized panel, if possible

GOAL 2: To recruit attorneys for pro bono service, match cases with individual attorney expertise, and establish specialized panels

Objective 1: All judges and bar associations shall authorize regular and significant district-wide publicity stating support of pro bono and expectations of full participation from the bar

- a) Heartland/bar association organize
 - publicize, gather names, place for service
- b) Use hour-per-year standard or 2-case-per-year standard
- c) Provide many forms of participation: general, for specific provider, specialized panel, 800 number, co-counsel panel, and others

Objective 2: Heartland shall establish a pro bono coordinator in each "major" law firm and corporate counsel in the district to direct the recruitment of individual attorneys and the services of each firm as a whole

- a) Local judges shall monitor in each county
- b) Marion County government attys
 - Federal government directive
 - Indiana Attorney General
- c) Training material on "how-to" developed and directed by Indpls Bar Assn and LSO/Legal Aid
- d) Law school volunteers shall assist

Objective 3: Specialized panels shall be formed directly from attorney choice at time of commitment and encouraged in all recruitment efforts/publicity

GOAL 3: To provide resources for litigation and out-of-pocket expenses

Objective 1: Heartland and bar assn's shall solicit commitment from law firms and corporate counsel pro bono coordinators to donate expenses

Objective 2: Heartland and judges shall request donations of service from relevant support service organizations, i.e. court reporter organization, expert witness groups, etc.

Objective 3: A funding program shall be developed by Heartland and bar assn's, maintained by Bar Foundation for reimbursement

GOAL 4: To provide legal education and training for pro bono attorneys in specialized areas of law useful in pro bono service

Objective 1: Form partnership among relevant entities to plan, conduct, and monitor training

- ICLEF
- LSO/Legal Aid and other providers
- Law School
- Bar assn's
- Specialized panels of pro bono attorneys

Objective 2: Solicit ongoing financial support for training from relevant entities

- Civil legal aid fund
- Area foundations and other donors
- Participating law firms, individual attorneys, and corporations

Objective 3: Conduct regular and adequate district-wide training for all new pro bono attorney volunteers, with CLE, and ongoing training for experienced pro bono attorneys

- 2 per year
- in conjunction with state bar trainings

GOAL 5: To provide opportunities for pro bono attorneys to consult with attorneys who have expertise in areas of law in which the pro bono attorney is providing legal service

Objective 1: Specialized "co-counsel" panels shall be formed at made available to all pro bono attorney volunteers from attorney volunteers, by their own choice at time of recruitment, under 50-hour standard or 2-case-per-year

Objective 2: Pro bono provider staff shall also serve on such panels

GOAL 6: To provide malpractice insurance for volunteer pro bono lawyers

Objective 1: Heartland shall secure coverage through bar assn's donations and pro bono provider policies

Objective 2: All pro bono volunteers shall be deemed volunteers for whatever entity can provide coverage in the most reliable and expeditious manner

GOAL 7: To establish procedures to ensure monitoring and follow-up for assigned cases and measure client satisfaction

Objective 1: Existing pro bono follow-up/monitoring referral procedures shall be applied to all pro bono referrals

- a) Existing pro bono providers shall develop and implement with Heartland, easy forms for assignment, status, and closure information, to determine the following:
 - whether lawyer accepted the representation
 - number of hours spent on the case
 - general subject matter of the case

Objective 2: Existing simple pro bono provider client satisfaction surveys shall be furnished to all referred clients to determine whether the client was pleased with services rendered

Objective 3: Heartland shall compile all information regarding services rendered and client satisfaction and provide it to all relevant parties

- bar assn's
- Supreme Court
- state pro bono commission

GOAL 8: To recognize pro bono civil legal service by lawyers

Objective 1: Heartland, judges, and bar assn's shall plan and conduct a regular public event in which to bestow awards to individual attorneys, law firms, corporations, donors, and others for exemplary service

Objective 2: Heartland, judges, and bar assn's shall recognize, congratulate, and thank all individuals and entities who accept a pro bono matter

- letters signed by judges
- publicize names

GOAL 9: To provide other support and assistance to pro bono lawyers

Objective 1: The Indiana School of Law-Indianapolis shall form a working agreement with Heartland to provide volunteer law students to assist pro bono lawyers, providers, and assist the of the comprehensive plan, through the funded efforts of a Law School Pro Bono Coordinator (SEE LETTER PROPOSAL IN APPENDIX)

Objective 2: The Marion County Law Library, located in Indianapolis, shall afford free access to a computer in its library space for research for all volunteer lawyers and law students, including access to the Marion County courts' research local network

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